Office-Supreme Court, U.S.
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ALEXANDER L. STEVAS,
CLERK

No. 80-2100

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1980

QUENTIN ROGERS, RAY DELAIGLE, ROBERT L. WEBSTER, CHARLES H. KITCHENS, AND THOMAS M. LOVETT, AS MEMBERS OF THE BOARD OF COMMISSIONERS OF BURKE COUNTY, GEORGIA, AND A. HOLLAND GNANN, OTTO V. JOHNSON AND WALL T. THOMPSON, AS MEMBERS OF THE BOARD OF ELECTIONS OF BURKE COUNTY, GEORGIA,

Appellants,

versus

HERMAN LODGE, SHELLEY COLEMAN, LIZZIE M. SAMS, K. C. CHILDERS, REV. DAVID NELSON, TALMADGE D. LODGE, WOODROW HARVEY AND LEVI CRAWFORD,

Appellees.

Appeal from the United States Court of Appeals For the Fifth Circuit

JOINT APPENDIX

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Appeal Docketed June 12, 1981
Probable Jurisdiction Noted October 5, 1981

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*Note: The Order and Finding of the District Court are not included herein, but are printed in the Appendix to the Jurisdictional Statement, Pages 61a-98a. The Opinion of the Court of Appeals is reported in *Lodge v. Buxton*, 639 F2d 1358 (C.A. 5th 1981), and is printed in the Appendix, pages 1a-61a.

**Note: The numbers in brackets are references to the Clerk's original record page numbers.

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Appellees.

Appeal from the United States Court of Appeals For the Fifth Circuit

JOINT APPENDIX

(1) Docket Entries

(a) Docket Entries—U.S. District Court, Civil Action No. CV 176-55

DISTRICT	YR.	NUMBER	MO.	DAY	YEAR	J	NOS	O	R	JJ	$	OTHER	NUMBER	DEM	YR.	NUMBER
SBJ 1	76	55	04	[illegible]	76	3	440	1		X	Decl Judg	nt.	3J04			

PLAINTIFFS

HERMAN LODGE, SHELLY COLEMAN, LIZZIE M. SAMS, K. C. CHILDERS, REV. DAVID NELSON, TALMADGE D LODGE, WOODROW HARVEY, and LEVI CRAWFORD, individually and on behalf of all those similarly situated.

DEFENDANTS

CV176-5[illegible]

J. F. BUXTON, ~~RAYMOND N. DELAIG~~ QUINTON ROGERS, ROY MARCHMAN AN[illegible] RAY HARPER, individually and as members of the Board of Commissioners of Roads and Revenues for Burke County; ~~IRS MARY TILLMAN, individually and as Judge of Probate Court for Burke County;~~ and their successors in office.

A. Holland Gnann, Otto B. Johnso[illegible] and Wall T. Thompson, Individual and in their official capacities memebers of the Board of Electio[illegible] for Burke County, Ga. & Ray DeLai[illegible] Individually and in his capacity as a member of the Board of Comm[illegible] issioners of Burke County.

CAUSE Suit contesting present method of electing Board of Commissioner of Roads and Revenues, Burke County, G[illegible]

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CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
	4-5-76	79063	42	JS5	
	10/2/78	86237 $3.00	SCO726	JS6	

UNITED STATES DISTRICT COURT DOCKET

DATE	NR.	PROCEEDINGS
4-5-76	1	Filing and Entering Original Complaint. Summons returnable 20-days.
4-16-76	2	Filing Marshal's Return Service perfected on Raymond N. DeLaigle, Quinton Rogers, Ray Marchman, J. F. Buxton, Ray Harper and Mrs. Mary Herrington on 4-13-76 MC 28.08
4-28-76	3	Filing Plaintiff's Amended complaint with certificate of service.
4-30-76	4	Filing Defenses of Defendants. (Motions included.)
4-30-76	5	Filing Defendants' Brief in Support of First, Second, Third, Fourth, Fifth and Sixth Defenses.
4-30-76	6	Filing Defendants First Interrogatories to Plaintiffs.
5-13-76	7	Filing Plaintiff's Motion to Add and Drop Parties. with brief attached
5-13-76	8	Filing Plaintiff's Motion for Preliminary Injunction with brief.
5-14-76	9	Filing Plaintiffs' Interrogatories, Set No. 1.
6-1-76	10	Filing Plaintiffs' Answers to the Defendants' First Interrogatories
6-1-76	11	Filing Plaintiffs' Objections to the Defendnats' First Interrogatories with cert.of svc. attach and Exhibit A
6-7-76	12	Filing Motion of Defendant to Compel Plaintiffs to Answer Defendants' First Interrogatories.
6-7-76	13	Filing Brief in Support of Defendants' Motion to Compel Plaintiffs to Answer Defendants' First Interrogatories.
6-10-76	14	Filing Order, granting motion to compel.
6-11-76	15	Filing Plaintiffs' Drief in opposition to Defendants' Motion to Compel Plaintiffs to Answer Defendants First Interrogatories.
6-14-76	16	Filing Defendants' Answers to Plaintiffs' First Interrogatories.
6-14-76	17	Filing Defendants' Objections to Plaintiffs' Interrogatories.
6-15-76	18	Filing Plaintiffs' Motion for Reconsideration and withdrawal of Order of June 10, 1976
6-21-76	19	Filing Defendants' Reply Brief in Support of Defendants Motion to Compel Discovery.
6-24-76	20	Filing Order, granting in part Motion for reconsideration.
6-25-76	21	Filing Plaintiffs' Supplementary answers to Defendants First Interrogatories to Plaintiffs
7-28-76	22	Filing Order on Motions to drop and add parties, granting same and denying defendants motion to dismiss complaint. and granting plaintiff's motion to amend, amendment to be submitted within 30-days.
8/ 2/76	23	Filing and entering Plaintiff's amended complaint No. 2, Marshal to serve, Wall T. Thompson, Otto B. Johnson,,A. Holland Gnann and Ray DeLaigle. RJC
8/11/76	24	Filing and entering answer and defensive pleadings on behalf of defendants A.Holland Gnann, Otto B. Johnson, Wall T. Thompson and Ray DeLaigle. RJC
8/12/76	25	Filing and entering Marshal return: Wall T. Thompson served on August 6, 1976.MC 3.00
8/12/76	26	Filing and entering Marshal's return: A. Holland Gnann served on August 6, 1976.MC3.00
8/12/76	27	Filing and entering Marshal's return: Ray DeLaigle served on August 6, 1976 by serving his wife. MC 5.64
8/12/76	28	Filing and entering Marshal's return: returned unexecuted, Otto B. Johnson in hospital, critical condition, returned at direction of Attorney McDonald. RJC
9-16-76	29	Filing Plaintiff's notice to take Deposition of J. F. Buxton, Roy Marchman and M. Holland Gnann with Request for Production of documents and certificate of service.
9-27-76	30	Filing Amended notice of depositions, of J. F. Buxton, Noy Marchman and M. Holland Gnann, and amended request for porduction of documents, with certificate of service. (00812)
2-31-76	31	Filing Order dismissing plaintiff's motion for preliminary injunction

CV176 ; LODGE vs. J. F. BUXTON

		FILINGS—PROCEEDINGS	AMOUNT REPORTED IN ENROLLMENT RETURNS
1-10-77	32	Filing Deposition of James Flynt Buxton.	
1-14-77	33	Filing Deposition of A. Holland Gnann	
1-14-77	34	Filing Deposition of Roy Herman Marchman.	
2-16-77	35	Filing Request that the Court take Judicial Notice of facts and laws by plaintiff.	
2-16-77	36	Filing Notice of Plaintiff to take Depositions Raymond W. Delaigle, Quinton Rogers, Bobby Webster, Charlie Kitchens and Toby Lovett and Billy Hopper., with cert. of service and request for Production of documents.	
2-18-77	37	Filing Order, granting Motion that Court take Judicial Notice of facts and laws. (at end of request, filed 2-16-77).	
2-28-77	38	Filing Plaintiff's Motion for Class determination with memo in support of motion and cert. of service.	
2-28-77	39	Filing Defendants' Third Interrogatories to Plaintiff with cert of service.	
2-28-77	40	Filing Plaintiffs' Second Interrogatories to Defedants with cert. of service.	
3-1-77	41	Filing Defendants' Second Interrogatories to Plaintiff with cert. of service.	
3-2-77	42	Filing Plaintiffs' Supplementary Answers to Defendants' First Interrogatories to Plaintiffs with cert. of service.	
3-2-77	43	Filing Defendants' Proposals for Pre-Trial Order.	
3-2-77	44	Filing Plaintiff's Proposed Pre-Trial Order.	
3-3-77	45	Filing Consolidated Proposed Pre-Trial Order.	
3-14-77		Pre-Trial hearing held this date. Trial May, 1977. Cross plans to be submitted within two weeks, to the court & parties., 2-3- day ttrial	
3-28-77	46	Filing Deposition of Mr. Robert L. Webster	
3-28-77	47	Filing Deposition of Mr. Thomas Lovett	
3-28-77	48	Filing Deposition of Mr. Charles Kitchens	
3-28-77	49	Filing Deposition of C. W. Hopper Jr.	
4-8-77	50	Filing Deposition of Mr. Ray DeLaigle.	
4-12-77	51	Filing Request of Defendants that the Court take Judicial Notice of the facts with cert. of service.	
4-12-77	52	Filing Defendants' Objections to Plaintiffs' Exhibits with cert. of service.	
4-21-77	53	Filing Plaintiff's Answers to Defendants' Second Interrogatories with cert. of service.	

DATE	FILINGS—PROCEEDINGS	AMOUNT REPORTED IN ENROLLMENT RETURNS
1-21-77	Filing Plaintiffs' Answers to Defendants Third Interrogatories to Plaintiffs with cert. of service.	
1-28-77	Filing Plaintiff's Motion to Amend Consolidated Pre-Trial Order with brief attached and cert. of service.	
5-10-77	Filing Defendants' Answers to Plaintiff's Second Interrogatories with cert. of service.	
5-12-77	Filing Order, granting motion for class certification and granting motion to amend pre-trial order.	
8-19-77	Filing Notice of Deposition of certain persons designated on certain matters to testify for the following programs: Child Development Center for Retarded Children, Burke County Day Care Training Center, Neighborhood Youth Corp, Feed A Kid Program, OIC Program, CETA Program, FOOD Stamp Program, Participation by Burke County in CSRA Manpower council and Burke County Recreation Commission and Recreation Program. with cert. of service.	
8-19-77	Filing Plaintiff's Notice to Produce with cert. of service.	
9/7/77	Filing Deposition of C.W. Hopper, Jr.....Joyce Odom and the Deposition ofDanny Jones.	
9-15-77	Filing Deposition of Vera Goldman. sealed.	
10-11-77	Filing Deposition of Authur Stewart	
10-11-77	Filing Deposition of Isaac McKinney.	
5-24-78	Plaintiff's Request for Judicial Notice.	
3-31-78	Def's Objection to Plf's Request to take Judicial Notice. w/cs.	
6-5-78	Plf's Motion to compel by supplementation of answers to interrogatories w/order granting motion on or before 6-13-78	
6-5-78	Plfs' Motion to shorten time to respond to Plf's request for admissions (1) w/order granting same on or before 6-13-78	
6-5-78	Plf's Request for admissions (1). w/cs.	
6-7-78	Order, that Plf file supplementation of answers to interrogatories if any by June 15, 1978.	
6-8-78	Defs. Motion to compel by supplementation of answers to interrogatories, with memorandum in support of.	
6-14-78	Plf's Trial Brief. w/cs	
6-14-78	Def's Answers to Plf's First Request for admission.	
6-14-78	Supplementary answers of Defs to Plf's First Interrogatories.	
6-16-78	Plf;s Proposed Findings of Fact and Conclusions of Law	
6-16-78	Plf's Second Supplemental Answers to Defendants' First Interrogatories to Plf.	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. 176-55
HERMAN LODGE, et.al.	J. P. BUXTON., et.al.	PAGE ___ OF ___ PAGES

DATE	NR.	PROCEEDINGS
6-16-78	76	Plf's Supplemental Ansers to Def's Second Interrogatories to Plf
6-16-78	77	Plf's Supplemental Answers to Def's Third Interrogatories to Plf.
6-16-78	77	Further Objections to Supplementation of First and Second Interrogatories from Defs'
6-19-78	79	Def's Proposed Findings of Fact and Conclusions of Law
6_20-78	80	Plf's Second Motion to amend Consolidated Pre-Trial Order, w/order attached allowing same subjecto Def. similary right of amendment.
6/20/78		Pre-Trial hearing held this date, plaintiff to respond to interrogatories as to testimony of new witness, defendant to supply plaintiff wit h list of new witnesses and their testimony. Trial set for June 22, 1978.
6/22/78		Case called for trial testimony for plaintiff began, June 23, 1978 trial continued for the plaintiff, June 27, 1978, defendant's motion to dismiss overrulled, June 28, 1978, trial continued for plaintiff, June 30, 1978, plaintiff rest at 1:30 P.M. with testimony for defendant began, July 1, 1978, trial continued for defendant, trial to be continued at later date.
8-23-78	81	Plf's Supplemental Proposed Findings of Fact.
8-24-78	82	DEPOSITION OF IRA ROBINSON, PhD.
9/13/78		HEARING held this date, non jury, case continued on behalf of the defendants testimony and evidence, deposition of Dr. Bine to be submitted by 9/25/78, update of suggested findings and conclusion of law to fit evidence to date, in theevent Court finds in favor of disctricts parties to submit suggested district lines on a map with outline thereon by 9/25/78, 2 alternatives 1-4 districts, 2-5 districts, last week in Sept. the Court will try and get an answer.
9/26/78	83	DEPOSITION of Dr. J.M. Byne.
9/26/78	84	Plft.'s Second Supplemental Proposed Findings of Fact.
9/26/78	85	Plft.'s Post Trial Brief
9/26/78	86	AFFIDAVIT: Of David F. Walbert
9/26/78	87	Corrections to Plaintiff's Proposed Findings of Fact as Previously submitted.
9/26/78	88	Plaintiffs' Amended Conclusions of Law.
9/26/78	89	Trial Brief on Behalf of Defs.
9/26/78	90	Defs. Revised Proposed Findings of Fact and Conclusions of Law.
9/29/78	91	ORDER finding in favor of the plaintiff, 1. that the plf's are entitled to prevail, 2. that the present members of the Board of Commissioners for Burke County have been elected in an unconstitutional election and shall be replaced, 3. that Burke County shall be devided into five districts, 4. that the duly qualified voters of each district shall elect one of its residents, 5. that defendants shall open and accept qualifications for candidates for said positions commencing immediately and until 13:00 o'Clock noon, October 16, 1978, 6. that the election for said new commissioners shall be held at the same time as the General Election to be held in 1978.
10/2/78	92	STIPULATION concerning defendants' exhibits.
10/2/78	93	JUDGMENT, is hereby entered in favor of the defendants and against the plf's.
10/2/78	94	NOTICE OF APPEAL by defendants, Ray DeLaigle, Quniton Rogers, Charles Kitchens, Robert L. Webster, Thomas H. Lovett, Mas Mary Herrington & O.B. Johnson.
10/2/78	95	BOND for costs on appeal.
10/2/78	96	MOTION by defendants for stay pending appeal.

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. _____ PAGE ___ OF ___ PAGES

DATE	NR.	PROCEEDINGS
10/10/78	97	PLF'S MOTION to vacate judgment.
10/10/78	98	PLF'S MEMORANDUM in reply to defendants' motion for stay.
10/10/78	99	ORDER motion to stay pending appeal is hereby denied.
10/13/78	100	AMENDED NOTICE OF APPEAL.
10/16/78	101	BRIEF of def. in opposition to plfs' motion to vacate judgment.
10/26/78	102	FINDINGS OF FACT AND CONCLUSIONS OF LAW. J.S. 6 Card.
10/30/78	103	ORDER mandate on motion to stay pending appeal denied.
10/30/78	104	ORDER clerk is directed to enter judgment upon the findings of fact and conclusions of law.
10/30/78	105	JUDGMENT entered for plaintiff and against the defendants.
11-2-78	106	CONSENT ORDER: as to place of voting precints and def's will do everything in theirpower to inform the public.
11/07/78	107	EXTENSION OF TIME for transmitting the record on appeal, extended until and and including Dec. 31, 1978.
11/07/78	108	ORDER Def's application to stay is hereby granted by the Supreme Court of The United States.
11/16/78	109	SECOND AMENDED NOTICE OF APPEAL: by Defs. w/ c.s.
12/15/78	110	PLF'S DESIGNATION of record.

DC-111A REV. 11/78

(b) Docket Entries, U.S. Court of Appeals, Case No. 78-3241

Case Docketed	October 13, 1978
Opinion & Judgment	March 20, 1981
Notice of Appeal Filed	October 2, 1978

(2) Plaintiffs' Second Amended Complaint, U.S. District Court, Civil Action CV176-55

(TITLE OMITTED IN PRINTING)

AMENDED COMPLAINT NO. 2

Plaintiffs file this their Amended Complaint No. 2 pursuant to the direction of this Court.

Jurisdiction.

1. The jurisdiction of this court is invoked under Title 28 of the United States Code, §§1331(a), 1343(3) and (4) and 2201 *et seq.*, this suit being authorized by Title 42 of the United States Code, §1983. This is an action for a declaratory judgment and injunction to prevent deprivation under color of state law, statute, ordinance, regulation, custom or usage or rights, privileges and immunities secured to plaintiffs by the Constitution and the laws of the United States, and by 42 U.S.C. §§1971, 1973 and 1983.

2. The matter in controversy exceeds, exclusive of interest and costs, the sum of ten thousand ($10,000.00) dollars.

[00177]

Parties.

3. Plaintiffs Herman Lodge, Shelley Coleman, Lizzie M. Sams, K. C. Childers, Rev. David Nelson, Talmadge D. Lodge, Woodrow Harvey and Levi Crawford are adult Negro citizens and residents of Burke County, Georgia, and are duly registered to vote in said county and state in accordance with the provisions of Georgia Code §34-602. Plaintiffs desire to participate in the electoral and political process equally with other citizens of Burke County and to have their votes counted on an equal basis with those of white citizens of Burke County.

4. The plaintiffs bring this action on their own behalf and on behalf of all black citizens of Burke County pursuant to Rule 23(b) (2) of the Federal Rules of Civil Procedure.

The prerequisites of Rule 23(b) (2) are satisfied. There are common questions of law and fact. The members of the class are so numerous as to make it impracticable to bring them all before this court. The claims of the plaintiffs are typical of the claims of the class. The interests of the class are adequately represented by the named plaintiffs. Furthermore, the parties opposing plaintiffs' class have acted and refused to act on grounds generally applicable to the class, thereby making appropriate declaratory relief with respect to the class as a whole.

5. Defendants J. F. Buxton, Ray DeLaigle, Quintin Rogers, Roy Marchman and Ray Harper are adult citizens and residents of Burke County and are the elected and acting members of the Burke County Board of Commissioners of Roads and Revenues, the governing body for Burke County. They are sued individually and in their official capacities.

[00178]

6. Defendants A. Holland Gnann, Otto B. Johnson and Wall T. Thompson are adult citizens and residents of Burke County and are the duly appointed and acting members of the Board of Elections for Burke County. Pursuant to Act No. 474, Georgia Laws, 1975, page 4506, the Board of Elections has jurisdiction over the conduct of primaries and elections in Burke County. They are sued individually and in their official capacities.

Factual Allegations.

7. In 1931, Georgia Act No. 80 created a Board of Commissioners of Roads and Revenues for Burke County, to consist of five persons to be elected for four year terms by the voters of the county as follows:

> Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, that from and after the passage of this Act there shall be created and established a Board of Commissioners of Roads and Revenues for the County of Burke in the State of Georgia, consisting of five persons, who shall be elected by the qualified voters of said county at the general election to be held on the first Wednesday in October in the year 1912, and at each subsequent alternate general election, which election shall be held under the rules, regulations and laws governing the election of county officers in the County of Burke and said five persons shall possess the qualifications of being resident freeholders of said county for at least three years prior to said election, shall be at least 28 years of age, and eligible to election as a member of the General Assembly of the State of Georgia.

8. The Board of Commissioners is the governing and legislative body for Burke County.

9. Members of the Board of Commissioners are required to designate their candidacy for numbered commission posts, run at-large and to be elected by a majority of the votes cast.

[00179]

10. According to the 1970 United States Census of population, the population of Burke County is 18,255 of which number 7,260 are white and 10,988 are black.

11. The total voting age population of Burke County is 10,531 of which number 4,909 are white and 5,617 are black.

12. Blacks are a minority of the registered voters of Burke County.

13. The effect and purpose of the existing method of holding elections for the Board of Commissioners at-large in Burke County is to dilute the voting power of black citizens and insure that the Board of Commissioners will be exclusively or predominantly white.

14. The use of numbered posts and majority vote and run-offs for the election of the Board of Commissioners further dilute minority voting strength.

15. There has been a history of official racial discrimination in Burke County, Georgia, including discrimination against blacks attempting to exercise their rights to register and to vote.

16. Plaintiffs and their class have been unable to elect black citizens or white citizens who support their views and interests to state and local offices in Burke County.

17. No black has ever served as a member of the Burke County Board of Commissioners of Roads and Revenues.

18. The dominant political party in Burke County has in the past relied upon campaign tactics designed to exclude or dilute black voting strength.

19. Plaintiffs and their class have suffered from and continue to suffer from the effects of invidious discrimination and treatment in education, employment, economics, housing, public services and the administration of justice.

20. Plaintiffs and their class have had less opportunity than white residents of Burke County to participate in the political process and to elect representatives of their choice.

Cause of Action.

21. The present method of electing the Board of Commissioners of Roads and Revenues for Burke County, including the use of numbered posts, majority vote, runoffs and elections at-large, has the effect and is for the purpose of diluting the relative strength of the class of black voters in Burke County in violation of the rights of plaintiffs and others similarly situated guaranteed by the first, thirteenth, fourteenth and fifteenth amendments of the Constitution of the United States.

Equitable Relief.

22. There is a real and actual controversy between the parties. Plaintiffs have no adequate remedy at law other than this action for declaratory and injunctive relief. Plaintiffs are suffering irreparable injury as a result of the acts of the defendants complained of herein and that injury will continue unless declared to be unlawful by this court.

23. The acts of defendants described above are maintained under color of law of the State of Georgia and under color of the defendants' respective offices as officers and agents of the State.

WHEREFORE, plaintiffs respectfully pray that the court;

(a) take jurisdiction of this cause;

(b) find that plaintiffs are adequate representatives of their class and allow this case to proceed as a class action;

(c) enter a declaratory judgment that the present method of election of the Board of Commissioners of Roads and Revenues for Burke County, including the use of numbered posts, majority vote, run-offs and the holding of elections at-large, [00181] violates the rights of plaintiffs and the class they represent secured by the first, thirteenth, privileges and immunities, equal protection and due process clauses of the fourteenth and fifteenth amendments of the Constitution of the United States;

(d) issue a preliminary injunction to be made permanent later enjoining defendants from holding further elections under the present apportionment of the Board of Commissioners of Roads and Revenues for Burke County;

(e) order the Board of Commissioners of Roads and Revenues for Burke County to reapportion itself in a manner that complies with the one-person one-vote mandate of the Supreme Court of the United States and which does not have the effect or purpose of diluting the voting strength of Negro citizens of that county;

(f) submit such reapportionment plan to the Attorney General of the United States as required by 42 U.S.C. §1971c;

(g) order that all members of the Board of Commissioners of Roads and Revenues for Burke County be elected at the next general election to be held in Burke County;

(h) issue such further relief including costs and attorneys' fees as may be just and proper; and

(i) retain jurisdiction of this cause.

Respectfully submitted,

/s/ LAUGHLIN MCDONALD

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CERTIFICATE OF SERVICE AND SUMMONS
OMITTED IN PRINTING.

(3) Defenses and Answer of Defendants, U.S. District Court, Civil Action CV 176-55

(TITLE OMITTED IN PRINTING)

DEFENSES OF DEFENDANTS

First Defense

The Complaint should be dismissed for the reason that there is a failure to join indispensable parties defendant, to wit, the Board of Elections (Ga. Laws 1975 Vol. I, p. 4506), and Ray De Laigle, a member of the "Board of Commissioners of Burke County" (Ga. Code §23-803).

Second Defense

Defendants move to dismiss the complaint as to defendant, Raymond N. De Laigle on the ground that he is not a member of the Board of Commissioners of Burke County.

Third Defense

Defendants move to dismiss Mrs. Mary Herrington as a defendant on the ground that she no longer has jurisdiction or responsibility over the holding of elections and primaries in Burke County.

[00023]

Fourth Defense

Defendants move to dismiss the complaint on the ground that the same fails to state a claim upon which relief can be granted.

Fifth Defense

Defendants move to dismiss on the ground that the court is without jurisdiction in the premises.

Sixth Defense

Defendants move to dismiss on the ground that it appears on the face of the complaint that an actual case or controversy is lacking within the meaning of Article III of the Constitution and 28USCA 2201.

Seventh Defense—Answer

Defendants answer the complaint, as amended, as follows:

1.

Paragraph 1 alleges the contentions of plaintiffs and requires no answer, but defendants deny that a claim for relief is stated under any of the laws and constitutional provisions referred to, and deny that the court has jurisdiction in the premises.

2.

Paragraph 2 is denied.

3.

Answering Paragraph 3, defendants admit that the eight plaintiffs are adult Negro citizens, residents and registered voters. The remaining allegations of said paragraph are denied.

[00024]

4.

Paragraph 4 is denied, and defendants deny that the case is properly maintainable as a class action.

5.

Answering Paragraph 5, defendants deny that Raymond N. De Laigle is a member of the Board of Commissioners of Burke County, and show that the fifth mem-

ber of the Board not named is Ray De Laigle, a different person from Raymond De Laigle.

6.

Answering Paragraph 6, defendants admit that Mrs. Mary Herrington is an adult citizen and is the duly elected Judge of the Probate Court for Burke County. The other allegations of said paragraph are denied. Further answering said paragraph, defendants show that jurisdiction and responsibility for conducting elections in Burke County is now vested in a board of elections, in accordance with the Act approved April 18, 1975 (Ga. Laws 1975, Vol. II, p. 4506).

7.

Answering Paragraph 7, defendants show that by an Act of 1911 (Ga. Laws 1911, p. 390), a "Board of Commissioners of Roads and Revenues" for the County of Burke was created, to consist of five (5) members elected by all the voters of said county. Said Act was amended on several subsequent occasions (Ga. Laws 1912, pp. 340, 342; Ga. Laws 1929, p. 548; Ga. Laws 1931, p. 400), but ever since the first election under the 1911 Act held in 1912, said board has consisted of five (5) members elected by all the voters of the county. The board does not date merely from 1931, as alleged.

[00025]

8.

Paragraph 8 is admitted.

9.

Paragraph 9 is admitted. Further answering said paragraph, defendants show that the requirement that all members run at large was derived from the original Act

of 1911. The requirement that all candidates be elected by a majority vote was imposed by a general act of 1964 (Ga. Laws 1964, Ex. Sess., pp. 26, 174) and reenacted by an act of 1970, Ga. Laws 1970, Vol. I, p. 347, 380 (Code Ann., §34-1513 [a]), as amended. The requirement that candidates run for numbered posts in the general election was imposed by a general act of 1964 (Ga. Laws 1964, Ex. Sess. pp. 26, 89, and reenacted by an act of 1970, Ga. Laws 1970, Vol. I, pp. 347, 369 (Code Ann., §34-1015), as amended. Both of said acts have been approved by the Attorney General of the United States under Section 5 of the Voting Rights Act of 1965, 42 USCA 1973C.

10.

Paragraph 10 is admitted.

11.

Paragraph 11 is admitted.

12.

For want of information sufficient to form a belief, Paragraph 12 is neither admitted nor denied. Defendants are, however, endeavoring to compile the information in issue to the extent reasonably possible.

13.

Paragraph 13 is denied.

14.

Paragraph 14 is denied.

[00026]

15.

Paragraph 15 is denied.

16.

Paragraph 16 is denied.

17.

Paragraph 17 is correct to the best knowledge of defendants at this time.

18.

Paragraphs 18, 19, 20, 21, 22 and 23 are denied.

WHEREFORE, defendants pray that the prayers of the complaint be denied, the complaint dismissed, and defendants discharged with their costs.

LEWIS & LEWIS

P.O. Box 88

Waynesboro, Ga. 30830 By: /s/ PRESTON LEWIS, JR.

HEARD, LEVERETT & ADAMS

P.O. Box 896

Elberton, Ga. 30635 By: /s/ E. FREEMAN LEVERETT

Attorneys for Defendants

NOTICE OF MOTION AND CERTIFICATE OF SERVICE OMITTED IN PRINTING.

(4) Adoption of Defensive Pleadings, U.S. District Court, Civil Action No. CV 176-55

(TITLE OMITTED IN PRINTING)

ANSWER AND DEFENSIVE PLEADINGS ON BEHALF OF DEFENDANTS A. HOLLAND GNANN, OTTO B. JOHNSON, WALL T. THOMPSON AND RAY DE LAIGLE

Come now defendants above named and adopt the Answer and defensive pleadings previously filed on behalf of the other defendants herein.

P.O. Box 88
Waynesboro, Ga. 30830

PRESTON B. LEWIS, JR.
LEWIS & LEWIS

/s/ E. FREEMAN LEVERETT

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E. FREEMAN LEVERETT
HEARD, LEVERETT & ADAMS

Attorneys for Defendants

(CERTIFICATE OF SERVICE OMITTED IN PRINTING)

(5) District Court Clerk's List of Exhibits, Civil Action No. CV 176-55

LODGE vs. BUXTON

(A) PLAINTIFFS' EXHIBITS

Adm 9/6/68	1.	Minutes of Burke County Commission - September 12, 1972
Adm 8/6/68	2.	Minutes of Burke County Commission - July 11, 1972
Adm 8/6/68	3.	Minutes of Burke County Commission - June 13, 1972
Adm 6/6/68	4.	Minutes of Burke County Commission - March 14, 1972
Adm 2/6/68	5.	Minutes of Burke County Commission - February 13, 1968
Adm 1/6/68	6.	Minutes of Burke County Commission - January 21, 1968 Special Meeting
Adm 7/6/67	7.	Minutes of Burke County Commission - July 11, 1967
Adm 2/6/65	8.	Minutes of Burke County Commission - February 9, 1965
Adm 1/6/65	9.	Minutes of Burke County Commission - January 12, 1965
Adm 7/6/65	10.	Minutes of Burke County Commission - July 13, 1965
Adm 8/6/65	11.	Minutes of Burke County Commission - August 10, 1965
Adm 8/6/65	12.	Minutes of Burke County Commission - August 12, 1965
Adm 4/6/66	13.	Minutes of Burke County Commission - April 15, 1966
Adm 9/6/66	14.	Minutes of Burke County Commission - September 13, 1966
Adm 2/6/67	15.	Minutes of Burke County Commission - February 14, 1967
Adm 5/6/67	16.	Minutes of Burke County Commission - May 9, 1967
Adm 6/6/67	17.	Minutes of Burke County Commission - June 13, 1967
	18.	Minutes of Burke County Commission - June 1, 1968
	19.	Minutes of Burke County Commission - June 11, 1968 Withdrawn
	20.	Minutes of Burke County Commission - June 25, 1968
Adm 9/6/68	21.	Minutes of Burke County Commission - September 10, 1968
Adm 10/6/68	22.	Resolution - Burke County Commission - October 8, 1968
	23.	Minutes of Burke County Commission - November 12, 1968
	24.	Minutes of Burke County Commission - January 9, 1951 Withdrawn
	25.	Minutes of Burke County Commission - January 2, 1951 Withdrawn
Adm 12/6/50	26.	Minutes of Burke County Commission - December 12, 1950
Adm 5/6/51	27.	Minutes of Burke County Commission - May 8, 1951
Adm 12/6/64	28.	Minutes of Burke County Commission - December 8, 1964
	29.	Withdrawn
	30.	Duplicate of Exhibit 31 - Withdraw Exhibit 30

31. Minutes of Burke County Commission - April 14, 1964
32. Minutes of Burke County Commission - July 9, 1963
33. Minutes of Burke County Commission - August 9, 1960
34. Minutes of Burke County Commission - July 12, 1960
35. Minutes of Burke County Commission - April 28, 1960
36. Minutes of Burke County Commission - May 11, 1976
37. Minutes of Burke County Commission - March 9, 1976
38. Minutes of Burke County Commission - February 10, 1976
39. Minutes of Burke County Commission - December 9, 1975
40. Minutes of Burke County Commission - November 11, 1975
41. Minutes of Burke County Commission - October 14, 1975
42. Minutes of Burke County Commission - May 14, 1974
43. Minutes of Waynesboro City Council - February 3, 1964
44. Minutes of Waynesboro City Council - December 30, 1963
45. Minutes of Waynesboro City Council - December 9, 1963
46. Minutes of Waynesboro City Council - November 4, 1963
47. Minutes of Waynesboro City Council - August 5, 1963
48. Minutes of Waynesboro City Council - Subsequent to June, 1963
49. Minutes of Waynesboro City Council - June 11, 1963 Special Meeting
50. Minutes of Waynesboro City Council - June 3, 1963
51. Minutes of Waynesboro City Council - April 1, 1963
52. Minutes of Waynesboro City Council - February 4, 1963 Withdrawn
53. Bennett vs. Evans Complaint - January 10, 1968
54. Bennett vs. Evans Order - June 20, 1969
55. Bennett vs. Evans Order - August 22, 1969
56. Bennett vs. Evans Order - February 5, 1970
57. Bennett vs. Evans - April 17, 1970
58. 1970 Population for Burke County
59. 1970 General Characteristics for Population of Waynesboro
60. 1970 General Social & Economic Characteristics for Burke County
61. 1970 Social Characteristics of Negro Population for Burke County
62. 1970 General Social & Economic Characteristics for Burke County
63. Employment Characteristics of Negro Population for Burke County

96. Colored Waynesboro Recreation Committee Purchase Invoice

97. Colored Waynesboro Recreation Committee Purchase Order

98. True Citizen - August 4, 1976

99. True Citizen - June 30, 1976

100. True Citizen - July 7, 1976

101. Minutes of Burke County Improvement Association - Dec. 9, 1975

102. Letter of December 5, 1975 to Burke County Improvement Association from Board of Commissioners of Burke County

103. Letter of December 1, 1975 to Burke County Board of Commissioners from Burke County Improvement Association

104. Letter of October 1, 1975 to Burke County Board of Commissioners from Burke County Improvement Association

105. Letter of August 12, 1975 to Burke County Board of Registrars from Burke County Improvement Association

106. Letter of August 21, 1975 to Burke County Improvements Association from Burke County Board of Registrars

107. Copy of memorandum to file from Chairman of Registrars

108. 1960 Census Figures - Burke County

109. 1950 Census Figures - Burke County

110. 1930 and 1940 Census Figures - Burke County

111. Court's Order and Request That the Court Take Judicial Notice of Facts and Laws - February 18, 1977

112. Deposition of Roy Marchman

113. Picture of Girard Elementary School - White - Closed

114. Picture of Girard Elementary School - White - Closed

115. Picture of Girard Elementary School - Today - Black

116. Picture of Girard Elementary School - Today - Black

117. Picture of Girard Elementary School - Today - Black

118. Picture of Girard Elementary School - White - Closed

119. Deed to Jaycees Swimming Pool - Still all White

120. Deposition of Ray DeLaigle

121. Deposition of Toby Lovett

122. Deposition of Billy Hopper - Dated February 23, 1977

123. Deposition of Charlie Kitchens

124. Deposition of Bobby Webster

125. County Wide Election Returns

126. True Citizen - March 24, 1960

127. True Citizen - March 31, 1960

64. 1970 Occupation & Earnings for Burke County

65. 1970 Occupations for Burke County

66. 1969 Income & Poverty Status for Burke County

67. 1969 Income & Poverty Status for Negro Population in Burke Count

68. 1970 Occupation of Employed and Unemployed for Burke County

69. 1970 General & Negro Housing Characteristics

70. General & Negro Housing Characteristics for Burke County, 1970

71. 1970 Detailed Housing Characteristics for Burke County

72. 1970 Detailed Housing Characteristics for Negroes of Burke Count

73. 1970 Financial Characteristics for Burke County

74. 1970 Detailed Housing Characteristics for Negroes in Burke Count

75. 1970 Detailed Housing & Financial Characteristics for Burke Coun

76. 1970 Detailed Housing & Financial Characteristics for Negroes of Burke County

77. 1970 Detailed Housing Characteristics for Burke County

78. 1970 Detailed Housing Characteristics for Negroes in Burke Count

79. 1970 Detailed Housing Characteristics for Negroes in Burke Count

80. Sapp vs. Rowland - Defendants' Answer to Request for Admission

81. Sapp vs. Rowland - Plaintiffs' Request for Admission

82. Sapp vs. Rowland - Complaint

A-82. Sapp vs. Rowland - Order and Judgment

83. Sullivan vs. DeLoach - Complaint

A-83. Sullivan vs. DeLoach - Order and Judgment

84. Letter and Affidavit - Kathleen L. Bonk

85. Deposition of Holland Gnann

86. Deposition of James Flynt Buxton

87. True Citizen - October 5, 1975

88. True Citizen - October 22, 1975

89. True Citizen - January 24, 1968

90. True Citizen - September 13, 1975

91. True Citizen - February 2, 1977 - Page 8-A

92. True Citizen - February 2, 1977 - Page 3-A

93. True Citizen - January 26, 1977 - Page 9-A

94. True Citizen - January 19, 1977 - Page 4-B

95. True Citizen - February 5, 1970

adm w/o/atty 128. True Citizen - April 14, 1960
adm w/o/atty 129. True Citizen - April 28, 1960
adm w/o/atty 130. True Citizen - June 20, 1961
adm w/o/atty 131. True Citizen - August 23, 1961
adm w/o/atty 132. True Citizen - April 25, 1962
adm w/o/atty 133. True Citizen - June 6, 1962
adm w/o/atty 134. True Citizen - July 4, 1962
adm w/o/atty 135. True Citizen - August 29, 1962
adm w/o/atty 136. True Citizen - June 5, 1963
adm w/o/atty 137. True Citizen - June 12, 1963
138. True Citizen - February 19, 1964
139. True Citizen - April 1, 1964
adm w/o/atty 140. True Citizen - July 28, 1965
adm w/o/atty 141. True Citizen - August 18, 1965
adm 142. True Citizen - August 26, 1964
adm 143. True Citizen - June 9, 1965
adm 144. True Citizen - September 1, 1965
adm 145. True Citizen - February 9, 1966
adm 146. True Citizen - June 26, 1966
adm 147. True Citizen - June 18, 1969
adm 148. True Citizen - June 25, 1969
adm 149. True Citizen - August 6, 1969
adm 150. True Citizen - August 29, 1969
adm 151. True Citizen - August 27, 1969
adm 152. True Citizen - November 19, 1969
adm 153. True Citizen - December 17, 1969
adm 154. True Citizen - December 31, 1969
adm 155. True Citizen - January 14, 1967
adm 156. True Citizen - January 28, 1978 1968 1970
adm 157. True Citizen - January 21, 1978
adm 158. True Citizen - February 4, 1978
adm 159. True Citizen - February 11, 1970
adm 160. True Citizen - February 18, 1970
Dn. 4/p 01 161. True Citizen -
adm 162. True Citizen - March 18, 1970

163. True Citizen - April 1, 1970
164. True Citizen - April 15, 1970
165. True Citizen - April 29, 1970
166. True Citizen - May 7, 1969
167. True Citizen - May 27, 1970
168. True Citizen - May 27, 1970
169. True Citizen - June 17, 1970
170. True Citizen - August 5, 1970
171. True Citizen - July 8, 1970
172. True Citizen - October 7, 1970
173. True Citizen - October 28, 1970
174. True Citizen - November 11, 1970
175. True Citizen - May 9, 1973
176. True Citizen - March 13, 1974
177. True Citizen - July 8, 1970
178. True Citizen - October 28, 1970
179. True Citizen - February 22, 1967
180. True Citizen - February 15, 1967
181. True Citizen - May 10, 1967
182. True Citizen - November 15, 1967
183. True Citizen - January 24, 1968
184. True Citizen - February 5, 1968
185. True Citizen - September 18, 1968
186. True Citizen - June 5, 1968
187. True Citizen - March 18, 1970
188. True Citizen - February 16, 1972
189. Table A.2 - Infant Health Status, Georgia 1974
190. Table A.3 - Infant Health Status Variables, Georgia 1974
191. Table 30 - Selected Vital Statistics, By County, By Race Georgia, 1975
192. Population of Counties from Earliest Census to 1970
193. Audit Report - Office of Board of County Commissioners - Burke County - Year Ended December 31, 1973
194. Audit Report - Office of Board of County Commissioners - Burke County - Year Ended December 31, 1974
195. Letter of April 27, 1975 to Chairman of Burke County Board of Commissioners from Burke County Improvement Assoc.

Adm w/o/obj 196. Letter of September 13, 1977 to Burke County Board of Education from Burke County Improvement Association and Burke County Chapter of NAACP

Adm w/o/obj 197. Letter of April 3, 1978 to Burke County Board of Registrars from Burke County Improvement Association, Inc.

Adm w/o/obj 198. Letter of March 24, 1978 to Burke County Board of Commissioners from Burke County Board of Registrars

Adm w/o/obj 199. Memo of January 18, 1978, The Department of Law, State of Georgia, Atlanta, to Mrs. Frances Duncan, Director from Michael J. Bowers, Senior Assistant Attorney General

Adm 200. Memo of February 2, 1978 to Boards of Registrars, Tax Commissioners, and Tax Collectors from Ben W. Fortson, Secretary of State

Adm 201. Letter (Date Missing) to Michael J. Bowers, Senior Assistant Attorney General

Adm 202. Letter of May 19, 1978 to Chairman, Burke County Board of Registrars from Lewis & Lewis, Attorneys at Law

Adm 203. Letter of May 16, 1978 to Mr. Preston B. Lewis, Jr., County Attorney, County of Burke from United States Department of Justice

Adm 204. Letter of April 11, 1978 to Assistant Attorney General, Civil Rights Division from Board of Commissioners of Burke County

Adm 205. Letter of February 22, 1978 to Burke County Chapter NAACP and Burke County Improvement Association from Waynesboro Country Club

Adm 206. Minuted of Community Target Area Meeting - August 18, 1975

Adm 207. Letter of March 12, 1970 to Whom It May Concern from Board of Commissioners of Burke County

208. Minutes of Briar Creek Community Meeting - May 11, 1977

Adm w/o/obj 209. Audit Report - Office of Board of County Commissioners - Burke County - Year Ended December 31, 1975

Adm 210. Audit Report - Office of Board of County Commissioners - Burke County - Year Ended December 31, 1976

Adm 211. Deed Recorded September 2, 1970, wherein County Commissioner, Peanut Rogers, sells 6.31 acres to Burke Academy, Inc.

Adm 212. Deed dated March 17, 1976 between Bottsford Spring Baptist Church and the First National Bank of Waynesboro

213. Deed Recorded May 15, 1967, wherein Claude Brown sells land in the City of Waynesboro for $100.00 to Burke Academy, Inc.

Adm w/o/obj 214. Deed Recorded November 21, 1962 wherein Burke County Board of Education sold for $5.00 land to the Keysville Methodist Church

Adm w/o/obj 215. Deed Recorded May 30, 1966 wherein Burke County Board of Education sells the Teacherage to Burke Academy, Inc. for $5.00

Adm w/o/obj 216. Incorporation of Burke Academy, Inc. dated August 16, 1961

217. Findings of Fact and Conclusions of Law in the Wilkes County of the United States of America from the United States District Court for the District of Columbia dated April 20, 1978

218. Copy of most recent budget for 1977, Burke County

219. Letter of March 25, 1977 to Honorable Anthony A. Alaimo from Neely, Neely & Player, Attorneys at Law

220. Resume of Dr. Alex Wesley Willingham

221. Publication from Georgia Department of Public Health, Infant Deaths and Rates per 1,000 Live Births, By County, By Race - Georgia 1970-1971

222. Draft of budget for 1978, Burke County

223. True Citizen - January 28, 1971

224. Summary of General Characteristics - 1970

225. Charter of the Democratic Party of the United States

226. Burke County School Attendance Figures - Submitted 10-17-67

227. Burke County School Attendance Figures - Submitted 12-18-69

228. Burke County School Attendance Figures - Submitted 10-16-70

229. Burke County School Attendance Figures - Submitted 10-13-71

230. Burke County School Attendance Figures - Submitted 10-11-72

231. Burke County School Attendance Figures - Submitted 10-1-73

232. Burke County School Attendance Figures - Submitted 10-15-74

233. Burke County School Attendance Figures - Submitted 2-1-77

234. Burke County School Staff Assignments - 1976-77

235. Burke County School Staff Assignments - 1973-74

236. Burke County School Staff Assignments - 1974-75

237. Letter of October 8, 1975 to Senator Herman E. Talmadge from Burke County Board of Education

238. Letter of October 8, 1975 to Congressman Ronald B. Ginn from Burke County Board of Education

239. Picture of Segregated Laundromat

240. Picture of Segregated Laundromat

241. Picture of Segregated Laundromat

242. Picture of Segregated Laundromat

243. Resolution in 1976 - Burke County Tax Commissioner Retiring

244. Minutes of Burke County Commission - April 13, 1976

245. Minutes of Burke County Commission - May 11, 1976

246. Minutes of Burke County Commission - June 8, 1976

247. Minutes of Burke County Commission - July 13, 1976

248. Minutes of Burke County Commission - August 10, 1976

249. Burke County 1976 Tax Digest Report - September 16, 1976

250. Resolution of Appreciation to Retiring Director of Museum

251. Minutes of Burke County Commission - September 16, 1976

252. Minutes of Burke County Commission - September 14, 1976

253. Minutes of Burke County Commission - October 12, 1976

254. Minutes of Burke County Commission - November 9, 1976

255. Minutes of Burke County Commission - November 17, 1976

256. Minutes of Burke County Commission - December 14, 1976

257. Minutes of Burke County Commission - January 11, 1977

258. Minutes of Burke County Commission - February 8, 1977

259. Minutes of Burke County Commission - February 8, 1977

260. Minutes of Burke County Commission - February 8, 1977

261. Minutes of Burke County Commission - March 8, 1977

262. Minutes of Burke County Commission - April 11, 1977

263. Minutes of Burke County Commission - May 10, 1977

264. Minutes of Burke County Commission - May 25, 1977

265. Minutes of Burke County Commission - June 14, 1977

266. Minutes of Burke County Commission - July 11, 1977

267. Minutes of Burke County Commission - August 9, 1977

268. Minutes of Burke County Commission - September 13, 1977

269. Minutes of Burke County Commission - October 11, 1977

270. Minutes of Burke County Commission - November 8, 1977

271. Minutes of Burke County Commission - December 13, 1977

272. Minutes of Burke County Commission - January 10, 1978

273. Minutes of Burke County Commission - January 16, 1978

274. Minutes of Burke County Commission - March 14, 1978

275. Minutes of Burke County Commission - April 11, 1978

276. Index of Section 5 Submissions - November 2, 1977

277. University of Georgia Reapportionment Services Unit - Burke County - July 22, 1973

278. Annual Reports of the Department of Education to the General Assembly of the State of Georgia

279. Map of Burke County

280. Blank Application for Employment for Burke County

281. Deposition of Joyce Odom

282. Deposition of Danny Jones

283. Deposition of Vera Goldman

284. Deposition of C. W. Hopper, Jr. - Dated August 25, 1977

285. Deposition of Authur Stewart

286. Deposition of George Cofer

287. Deposition of Isaac McKenney

Plan A/S/adj 288 Registered Voters Percentage

Plan W/S/adj 289 Map

EXHIBITS

Admission into Evidence	NO.	
Adm. 7-26-78	1-	Minutes of Minutes of 6-17-77 Meeting
	2-	minutes of 7-11-67 "
	3-	" " 10-12-65 "
	4-	minutes of 2-16-76 Meeting
	5-	minutes of 6-11-68 "
	6-	Minutes of March 14, 1922 of Burke City Bd of Ed. Burke County Board of Education
	7-	Minutes of Sept 12, 1922 of " " " "
	8-	" " March 12, 1924 of " " " "
	9-	" " April 9, 1924 of " " " "
	10-	Reg. Meeting minutes of June 16, 1925 of " " " "
	11-	" " " " July 8, 1925 " " " "
	12-	Commissioners' Meeting minutes of Nov. 11, 1925 of Burke City Bd of Ed
	13-	" " " " Nov. 11, 1927 " " " "
	14-	Letter Ltr. dated 2-17-76 to Ben Fortson from Notts M. Hale, Jr.
	15-	Letter Ltr. " 3-5-76 to Notts McNair from Ben Fortson
	16-	copy of newspaper article from the Iraq Citizen
	17-	copy of newspaper article from the Ben Hogan, May 17, 1976

Best Copy Available

Defendant

EXHIBITS

CASE NO. _____

Lodge
-vs-
Bolton

Admission into Evidence	NO.	DESCRIPTION
Adm. W/O Obj.	18	News story from Times Citizen, May 19, 1976
	19	Minutes of Superior Court, Oct 8, 1969
	20	Minutes of Superior Court, May 9, 1973
	21	Letter from Registrars dated Sept 10, 1975
	22	Minutes Superior Court dated Aug 30, 1976
	23	Minutes Superior Court dated April 28, 1970
	24	Minutes Superior Court dated April 5, 1971
	25	Registration Card of Herman Lodge 10-12-55
	26	Registration Card of Woodrow Harvey 1-4-56
	27	Registration Card of Levi Walker 8-15-72
"	28	Registration Card of Rev. J.M. Ellis 9-21-60
Withdrawn	29	Deposition of Vera Goldman
	30	Deposition of George Coker
	31	Deposition of Issac McKinney
	32	Deposition of Joyce Adkison
	33	Deposition of Arthur Stewart
	34	Deposition of Danny Jones
Adm. W/O Obj.	35	Article from Times Citizen Aug 31, 1977
Adm. W/O Obj.	36	Registration Card of Shelly Coleman 9-21-65
Adm. W/O Obj.	37	Registration Card of Loggie Lee James 2-19-63
Adm. W/O Obj.	38	Letter dated May 7, 1975
Adm. W/O Obj.	39	Letter dated June 17, 1975
Adm. W/O Obj.	40	Registration Card Mrs. Ruby Lee Bryant 8-7-62
Adm. W/O Obj.	41	Registration Card Mrs. Sarah Hightower 4-13-76

Defendant's

EXHIBITS

CASE NO. CV 176-55

Judge
Bufkin

Admission into Evidence	NO.	DESCRIPTION
Adm. W/O Obj.	42	Registration Card Harold N. Stinson, Jr. Harold N. Stinson Jr 7-6-68
	43	Registration Card Vivian A. Zapp Vivian A. Zapp 6-21-68
	44	Registration Card Herman Sylvia Herman Sylvia 9-17-72
	45	Registration Card Sarah Harvey Sarah Harvey 1-7-56
	46	Registration Card Levi Crawford Levi Crawford 11-17-71
	47	Article from Dawn Citizen 1978
	48	Minute meeting Aug 17, 1977 Forrest Davis Forrest Davis
	49	Minute meeting Sept 13, 1977
	50	Minute Meeting Aug 24, 1977
	51	Minute Meeting May 10, 1977
	52	Minute meeting March 8, 1977
	53	Registration Card K.C. Childers K.C. Childers
	54	Minute July 11, 1977
Adm. W/O Obj.	55	Federal Court order 6-23-70
	56	Tax Digest - Millage Rates Tax Digest - Millage Rates 1966-1976
	57	Registered Voter By Districts, 1978
	58	Ad in Dawn Citizen - Road Superintendent
	59	ad in Dawn Citizen - Councilman
	60	Radio Announcement
	61	Benton Lewis letter to McNair
	62	List of tax Exempt Organizations
NO Reference W/O Obj.	63	List of total Registered Voters Registered voters
Adm. W/O Obj.	64	Teenage birth list Statistics Dawn age birth list, Statistics
	65	Newspaper article dated March 13, 1974

Defendants

EXHIBITS

CASE NO. CV-196-55

Judge

Butler

Admission into Evidence	NO.	DESCRIPTION
Adm. 4/20 Pl.	66-	Newspaper article dated Feb 5, 1968
	67-	Newspaper article
	68-	Minutes of Commissioners dated Nov 9, 1976
	69-	Picture Black American Legion
	70-	Order Changing Polling Place (Changing Polling place)
4	71-	[redacted]
Adm. 4/20 Pl.	71-	Transportation Schedule of Elderly Food Program (Transportation Schedule of elderly food program)
	72-	Dr. Robinson (Dr. Robinson Negro)
	73-	Bobby Simms (Bobby Simms indictment)

(6) Agreement of Counsel As to Joint Appendix, U.S. Supreme Court, October Term 1980, No. 80-2100

(TITLE OMITTED IN PRINTING)

Agreement Of Counsel As To Joint Appendix

Pursuant to Rule 30 of the Rules of this Court, Counsel for the parties hereby agree that the Joint Appendix shall consist of the following:

(1) List of Docket Entries in the Court below

(2) Plaintiffs' Second Amended Complaint, filed August 2, 1976 (R. 176)

(3) Defenses and Answer of Defendants (R. 22)

(4) New Defendants' Adoption of Defensive Pleadings (R. 184)

(5) The District Court Clerk's list of exhibits

(6) This Agreement for the Joint Appendix.

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